



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

PATENT

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In re Application of:

Robert K. Rowe et al.

Serial No.: 09/832,631

Examiner: C. Curtis

Filed: April 11, 2000

Group Art Unit: 2872

For: ENCODED VARIABLE FILTER SPECTROMETER

Docket No.: 1023.1123101

Box Non-Fee Response  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO RESTRICTION REQUIREMENT**

**CERTIFICATE UNDER 37 C.F.R. 1.10:** The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, "Express Mail Post Office to Addressee" having an Express Mail mailing label number of: EL811913385US, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231 on this 21st day of October, 2002.

By Kathleen L. Boekley  
Kathleen L. Boekley

Dear Sir:

Applicants have received the Office Action mailed September 19, 2002, setting a shortened statutory period of one month for reply. This reply is being filed such that no extension of time is necessary.

On page 2 of the Office Action, the Examiner identified several species of invention disclosed in the application. On page 3 of the Office Action, the Examiner required election of a single disclosed species. Applicants hereby elect species 1, corresponding to Figure 2, without traverse of the restriction requirement. However, as discussed below, the conclusion that no

claim is generic is respectfully traversed. Claims which correspond to species 1 include claims 1-7, 9, 11, 13-16, 18, 19, 29-35, 37-40, 42, 43 and 53.

As indicated in the above list, several independent claims correspond to species 1. These include claims 1, 29 and 53. Claims 8, 10, 12, 17, 20-28, 36, 41 and 44-52 are all dependent claims to other species, but they depend from an independent claim which corresponds to species 1 and the independent claims are thus generic to all of these dependent claims. If independent claims 1, 29 and 53 are allowed, prosecution of the non-elected dependent claims is requested.

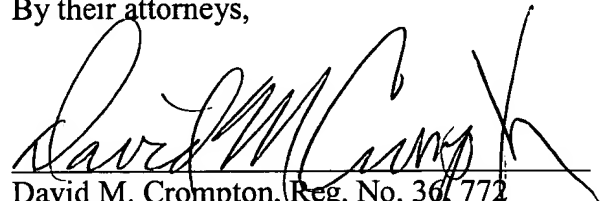
Examination of the above-identified claims, namely claims 1-7, 9, 11, 13-16, 18, 19, 29-35, 37-40, 42, 43 and 53, is respectfully requested. If a phone conference is believed necessary to resolve any outstanding issues with respect to the above discussion, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

Robert K. Rowe et al.

By their attorneys,

Dated: 10/21/02



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